



Attorney's Docket No. 35718/208255 (5718-111C)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Duvick *et al.* Confirmation No.: N/A  
Appl. No.: 09/882, 694 *#S*  
Filed: June 15, 2001 Group Art Unit: N/A  
For: COMPOSITIONS AND METHODS FOR FUMONISIN DETOXIFICATION

October 16, 2001

**DECLARATION UNDER 37 C.F.R. §1.802**

Commissioner for Patents  
Washington, DC 20231

Sir:

The undersigned, Kelly J. Williamson, declares and states,

1. That she has full and express authority to represent Pioneer Hi-Bred International, Inc., Assignee of Application No.09/351,224, by assignment recorded in the United States Patent and Trademark Office on November 4, 1999, at Reel 010357 and Frame 0610.
2. That she has read and understands the above-captioned U.S. Patent Application Number 09/882,694, filed June 15, 2001, for "COMPOSITIONS AND METHODS FOR FUMONISIN DETOXIFICATION".
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
<i>Escherichia coli</i>	PTA-299	July 8, 1999

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.
5. That the Assignee hereby provides assurance that it will:

In re: Duvick *et al.*  
Appl. No.: 09/882,694  
Filed: June 15, 2001  
For: COMPOSITIONS AND METHODS FOR FUMONISIN DETOXIFICATION

- a. During the pendency of the patent application, allow access to the deposited organism listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
  - b. Replace the deposited organism should it die or be destroyed:
    - (1) During the enforceable life of any patent issued out of the above-identified patent application,
    - (2) For five years after the last request for a sample of the deposited organism, or
    - (3) For thirty years;
  - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the organism for the duration of the deposit; and
  - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Pioneer Hi-Bred International, Inc.

By: Kelly J. Williamson Date: 10/16/01  
Kelly J. Williamson  
Registration No. 47,179

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Duvick *et al.*  
 Appl. No.: 09/882,694  
 Filed: June 15, 2001  
 For: COMPOSITIONS AND METHODS FOR FUMONISIN DETOXIFICATION

Commissioner for Patents  
 Washington, DC 20231

October 16, 2001

## SUBMITTAL OF SUBSTITUTE SEQUENCE LISTING

Sir:

Applicants respectfully request entry of the enclosed sequence listing into the above-referenced application. As detailed in the accompanying Preliminary Amendment, SEQ ID NOS:6, 7 and 8 have been amended. As amended, the sequences of SEQ ID NO:6, 7 and 8 now reflect the sequence of the clone deposited as PTA-299 with the ATCC on July 8, 1999. In addition, an unknown amino acid residue designated "Xaa" in SEQ ID NO:11 has been identified as "any amino acid" in the appropriate field identifier. No new matter has been added by way of this submission. I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,

Kelly J. Williamson  
 Registration No. 47,179

Customer No. 00826

Alston & Bird LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

"Express Mail" Mailing Label Number: N/A Date of Deposit: October 16, 2001	<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231, on October 16, 2001.
---	--

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231.

N/A  
 Rebecca Kerney

RTA01/2105312v1

Rebecca Kerney  
 Rebecca Kerney